

House Bill 1430

By: Representatives Warren of the 122nd, Porter of the 143rd, Jenkins of the 8th, Wix of the 33rd, Teilhet of the 40th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of indemnification for death or disability generally, beneficiary, designation of method of payment, and procedure for making of payments, so as to increase the indemnification to state highway employees killed or disabled on the job; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 45-9-85 of the Official Code of Georgia Annotated, relating to payment of indemnification for death or disability generally, beneficiary, designation of method of payment, and procedure for making of payments, is amended by striking in its entirety subsection (b) and inserting in lieu thereof the following:

"(b)(1) Notwithstanding any provision of this part to the contrary, for any compensable claim filed on or after July 1, 2002, payment shall be made as follows:

(A)(i) ~~In Except as otherwise provided by division (ii) of this subparagraph, in the case of permanent disability, the eligible disabled person pursuant to this part may elect payment of \$75,000.00 in equal installments over a period of five years or a payment in lump sum which shall consist of \$75,000.00 reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum; or~~

~~(ii) In the case of a state highway employee permanently disabled on or after January 1, 1990, the eligible disabled person pursuant to this article may elect payment of \$25,000.00 in equal installments over a period of five years or a payment in lump sum which shall consist of \$25,000.00 reduced to its present value upon the basis of interest calculated at the rate of 6 percent per annum; and~~

(B)(i) ~~In Except as otherwise provided in division (ii) of this subparagraph, in the case of death, payment shall be made to the estate of a person who is eligible for~~

1 indemnification under this part as follows: the executor or administrator may elect
2 payment of \$75,000.00 in equal installments over a period of five years or a payment
3 in lump sum which shall consist of \$75,000.00 reduced to its present value upon the
4 basis of interest calculated at the rate of 6 percent per annum; or

5 ~~(ii) In the case of a state highway employee killed on or after January 1, 1990,~~
6 ~~payment shall be made to the estate of a person who is eligible for indemnification~~
7 ~~under this article as follows: the executor or administrator may elect payment of~~
8 ~~\$25,000.00 in equal installments over a period of five years or a payment in lump sum~~
9 ~~which shall consist of \$25,000.00 reduced to its present value upon the basis of~~
10 ~~interest calculated at the rate of 6 percent per annum.~~

11 (2) With respect to law enforcement officers, firefighters, or prison guards who were
12 killed prior to April 5, 1978, or who were permanently disabled prior to January 1, 1981,
13 and who are entitled to indemnification under this part, payment shall be made in lump
14 sum to the estate, in the case of death, or, in the case of permanent disability, to the
15 person disabled.

16 (3) With respect to emergency medical technicians who were killed or permanently
17 disabled prior to July 1, 1987, and who are entitled to indemnification under this part,
18 payment shall be made in lump sum to the estate, in the case of death, or, in the case of
19 permanent disability, to the person disabled."

20 SECTION 2.

21 All laws and parts of laws in conflict with this Act are repealed.